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FILE:

Office: LOS ANGELES

Date:

JUN 9 2004

IN RE:

Obligor:

Bonded Alien

IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration  
and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR:

**INSTRUCTIONS:**

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Los Angeles, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on October 8, 1999, the obligor posted a \$500.00 bond conditioned for the above alien's voluntary departure. An order of the immigration judge (IJ) dated October 5, 1999, was issued granting the alien voluntary departure in lieu of removal on or before December 6, 1999. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On January 31, 2003, the BIA dismissed the appeal and granted the alien voluntary departure within 30 days from the date of the order. The alien filed a motion, which was subsequently denied by the BIA on June 17, 2003. On December 19, 2003, the field office director concluded the bond had been breached.

On appeal, counsel asserts that the bond was breached in error as the bonded alien's application under the Family Unity Program was granted for the period February 27, 2003 through February 26, 2004.

The regulation at 8 C.F.R. § 245a.34(d) provides that an alien whose application for Family Unity benefits under the LIFE Act Amendments is approved is deemed to receive protection from removal, commencing with the date of approval of the application. A grant of protection from removal under this section shall be considered effective from the date on which the application was properly filed.

The record reflects that on February 28, 2003, the alien's Form I-817 Application for Voluntary Departure under the Family Unity Program was approved. The approval was valid until February 26, 2004. If no evidence has been provided establishing renewal of the alien's voluntary departure status, removal proceedings shall proceed.

**ORDER:** The appeal is sustained. The field office director's decision declaring the bond breached is rescinded and the bond is continued in full force and effect.